

WILLIAMSBURG CITY COUNCIL
APRIL 8, 2004
MINUTES

The Williamsburg City Council held its regular monthly meeting on April 8, 2004, at 2:00 p.m., in the Council Chambers of the Stryker Building.

ATTENDANCE

Present were Ms. Zeidler, Messrs. Haulman, Houghland, Scruggs, and Tabb. Also present were City Manager Tuttle, City Attorney Phillips, and City Clerk Crist.

Staff Attending: Department Heads Yost, Nester, Hudson, and Assistant City Manager Jodi Miller.

CALL TO ORDER

Mayor Zeidler called the meeting to order.

COUNCIL MINUTES

Mr. Houghland Moved Approval of the City Council Minutes of March 8 and March 11, 2004 and the Special Meeting of March 22, 2004. The Motion Was Seconded by Mr. Tabb.

Recorded Vote on the Motion:

Aye: Haulman, Scruggs, Zeidler, Houghland, Tabb

No: None

Special Privilege

Presentation of Diploma to John Catlett, Building Official

Mayor Zeidler asked Mr. Catlett to join her at the podium. She said it was an honor to present him with his Associate Degree in Applied Science. Mr. Catlett thanked Council and stated his appreciation of the city's Tuition Reimbursement Program. Council members were pleased with Mr. Catlett's accomplishment.

Designation as "2004 Preserve America Community"

The Mayor noted that Ms. Miller was instrumental in the city receiving this designation.

Ms. Miller said it was a great pleasure to present Council with this certificate of recognition. The Preserve America initiative is a new White House effort to encourage and support community efforts for the preservation and enjoyment of America's priceless cultural and natural heritage. The goals of the initiative include: a greater shared knowledge about the nation's past; strengthened regional identities and local pride; increased local participation in preserving the country's cultural and natural heritage assets; and, support for the economic vitality of our communities. The designation allows for the city to apply for federal grant monies for historic preservation projects.

Mayor Zeidler recognized Congresswoman Jo Ann Davis, Richard McCluney, Vice President for Productions, Publications, and Learning Ventures for Colonial Williamsburg Foundation, and Ms. Miller who traveled with her to Washington to receive the award.

PUBLIC HEARINGS

Receipt of Bids for Grant of 40 Year Lease for City Property Located on State Route 713, York County

Reference for this item was the Public Notice to receive bids for the grant of a 40-year lease for the construction of a new animal shelter. In accordance with State Code, the property was advertised as opened to anyone that would like to make a proposal. No additional proposals were received.

Mayor Zeidler opened the public hearing.
No one wished to speak. The hearing was closed.

Mr. Tuttle recommended that Council approve the lease between the city and the Heritage Human Society (HHS). Mr. Phillips noted that a blank lease was advertised in the bid proposal ad. The proposed lease with the HHS is for 40 years, at \$1.00 per year in annual rent. It includes the commitment by HHS that they will receive all animals brought to them and to be provided for according to State Law. They would be responsible for maintenance of the shelter. Mr. Phillips clarified that this new lease has no bearing on the current lease.

Mr. Haulman Moved That City Council Direct the City Attorney and the City Manager to Execute the Lease with the Heritage Humane Society that Meets the City's Requirements and That the Lease Include Exhibit A (Plat of Property Survey) and/or A Legal Description of the Property Using a Larger Plat. The Motion Was Seconded by Mr. Houghland.

Recorded Vote on the Motion:

Aye: Haulman, Scruggs, Zeidler, Houghland, Tabb

No: None

Budget Hearings

Operating and Capital Budgets for the Fiscal Year Commencing July 1, 2004

Property Tax Rate of \$.54 per \$100 of Assessed Value

Proposed Water Rate of \$2.60 per 1,000 gallons

Reference for these items was the Proposed Annual Budget Fiscal Year 2005 and copies of the advertisements for the public hearings.

Mayor Zeidler opened the public hearing on the three budget items.

Lynn Christiansen, Executive Director of Heritage Humane Society, thanked Council for their support. HHS has asked the three localities to join with them to construct a new animal shelter. Their goals were to care for injured and abused animals, promote adoption of animals, and insure 100% placement of adoptable animals. Explaining the financial plan and responsibilities, she noted that they would be requesting \$114,800 from the city. Williamsburg and HHS has served the community well, and she urged Council's support.

Mayor Zeidler advised that this request for funds needed to be in writing.

Darr Barshis, 17 Forrest Hill Drive, thanked Council members for their service. He urged fiscal restraints on the city's part. He addressed the increase in real estate assessments and taxes. He did not approve of the rental inspection program. He did not like that the Dogwood trees were destroyed at the Transportation Center. The Planning Commission recommended against the student housing on Richmond Road and now Council is

considering it. The city lost the hospital and the Ford Dealership. He recommended that the real estate tax be reduced to \$.52 per \$100.

Nancy Bond, 416 Suri Drive, asked that Council accelerate the plans for a sidewalk from Merrimac Trail to Parkway Drive. Many people walk in that area and it is a safety issue.

No one else wished to speak. The public hearing was closed.

Mayor Zeidler said that these comments would be considered at the May Work Session before adoption of the budget at the regular May meeting.

REPORTS

Monthly Financial Statement

The Monthly Financial Report was received and ordered filed.

Mr. Tuttle noted that the FEMA accounting totaled close to \$1M. FEMA's auditing section commended the accounting documentation of Ms. Vicki Herrick of the Finance Department. Vicki's work was some of the best they had seen. Mr. Tuttle recognized city staff members that supervised the contracts.

Monthly Departmental Operating Reports

The Monthly Departmental Operating Reports were received and ordered filed.

Planning Reports

Request of South of the Border Restaurant, 322 Second Street, to Locate a Freestanding Sign in City Right-of Way (Reference ARB #04-012)

Reference for this item was Mr. Nester's Report dated April 8, 2004, which included a copy of the proposed sign. Mr. Nester explained that the South of the Border Restaurant is locating in the building formerly occupied by the Beach House Grill and proposes to use the frame of their sign for their business sign which is locate on the city's right-of-way. The ARB approved the sign. Staff recommended that the request be approved with conditions.

Mr. Scruggs Moved That City Council Approve the Location of the Proposed Sign on the City Right-of-Way Subject to the Following Conditions Recommended by Staff:

1. *A license being issued for five years from the date of approval (April 8, 2004), which could automatically be renewed.*
2. *Approval is granted for the applicant only, and shall not be transferable to any future tenant or business.*
3. *A right-of-way permit must be obtained before installation of the sign.*
4. *A certificate of insurance showing that there is in force commercial general liability insurance coverage on an occurrence basis insuring against all claims, loss, cost, damage, expense or liability from loss of life or damage or injury to persons or property arising out or relating to such sign. Such insurance shall be by an insurance company licensed to do business in Virginia acceptable to the City Manager and shall include the City as an additional insured. Such certificate of insurance shall provide to 30 days advance notice to the City prior to cancellation or modification of such policy. Said insurance shall be maintained in force at all times at the permittee's expense when the sign remains on public right-of-way and shall*

protect and save the City harmless from any and all claims or demands for damages by reason of any negligence of the sign hanger, contractor, sign owner, as well as the owner, tenants and occupants of the property to which the sign pertains and/or their respective agents; as well as by reason of defects in the construction of such sign and the maintenance of such sign including, but not limited to, damages resulting from the collapse, failure or combination of the sign or parts thereof.

5. *A bond with corporate surety, letter of credit or certified check must be submitted by the owner, approved to form by the City Attorney, to cover the cost of the removal of the sign and its supporting structures if the sign is not removed at the expiration of the time period for which it is authorized or if the sign is not maintained in accordance with Section 21-753 of the Zoning Ordinance. The validity period for the bond with corporate surety or letter of credit shall be the same as the time period approved for the sign by City Council, and shall remain in effect until released by the City.*

The Motion Was Seconded by Mr. Haulman.

Recorded Vote on the Motion:

Aye: Haulman, Scruggs, Zeidler, Houghland, Tabb

No: None

Erosion and Sedimentation Control, *Proposed Ordinance #04-09* (Reference PCR# 04-009)

Reference for this item was Mr. Nester's Report dated April 8, 2004, which included a copy of the proposed ordinance. Mr. Nester said that this ordinance has been amended to bring it in line with the State Code. Mr. Nester reviewed the changes to the ordinance Sections 7-27 and 7-29, and said that staff recommended the proposed ordinance be adopted.

Mr. Haulman Moved that City Council Adopt Proposed Ordinance #04-09, An Ordinance Amending Chapter 7, Environmental Protection, Article II, Erosion and Sedimentation Control, of the Code of the City of Williamsburg. The Motion was Seconded by Mr. Scruggs.

Recorded Vote on the Motion:

Aye: Haulman, Scruggs, Zeidler, Houghland, Tabb

No: None

City Manager Reports

City Budget Policy Guidelines—Adoption of Updated Policies

Reference for this item was Mr. Tuttle's report dated April 2, 2004, which included a copy of the revised Budget Policies.

Mr. Tuttle said that he was recommending that Council adopt the Budget Policies and that they be published and adopted each year. He noted that the policies have been expanded to provide a clear understanding of the assumptions that drive formulation of the budget document each year. They include long -range planning, revenue policies, expenditure policies, debt policy, and investment policy.

Council members concurred with this formal policy. Mr. Tuttle confirmed that the

information can be placed on the city's website.

Mr. Tabb Moved That City Council Adopt the "Budget Policies" and Directed That They Be Published Each Year with the Proposed and Adopted City of Williamsburg Annual Budget. The Motion was Seconded by Mr. Houghland.

Recorded Vote on the Motion:

Aye: Haulman, Scruggs, Zeidler, Houghland, Tabb

No: None

Major League Baseball Franchise, *Proposed Resolution #04-07*

Reference for this item was Mr. Tuttle's report dated April 2, 2004, which included a copy of the proposed resolution.

Mr. Tuttle explained that the city received a letter from Jimmy Eason, President of the Hampton Roads Partnership, asking for city support of regional efforts to bring a Major League Baseball Team to Hampton Roads. He recommended Council adopt the resolution. Mayor Zeidler stated that she supported this goal.

Mr. Houghland enthusiastically supported this resolution.

Mr. Houghland Moved That City Council Adopt Proposed Resolution #04-07. The Motion Was Seconded by Mr. Tabb.

Recorded Vote on the Motion:

Aye: Haulman, Scruggs, Zeidler, Houghland, Tabb

No: None

ISO Rating for City's Code Compliance Office

Reference for this item was Mr. Tuttle's report dated April 2, 2004. Mr. Nester said that the Insurance Services Organization evaluates governmental building permits and inspection programs around the country. The grading scale is 1 (best) to 10. The city was reevaluated in December 2003 and improved to a "2" for both categories, and the city rated in the top 2% of communities rated nationwide. This reflects well on the quality and excellence of the city's building department. Mr. Tuttle commented that this also reflects well on the city and City Council.

Jamestown Road Traffic Study

Mr. Houghland requested that Mr. Tuttle give an update on the status of the study. Mr. Tuttle said a second meeting was held in which the consultant gave an overview of the study recommendations. The next step will be to report to the City Council and College. Then those bodies would choose what action to take. The project is not yet included in the Capital Improvement Program.

Request of WRHA to Acquire Vacant Lot and Two Houses on Pocahontas Street

Mr. Tuttle referenced a letter received from Mr. James Gurganus, Executive Director of the Williamsburg Redevelopment and Housing Authority, requesting Council's authorization to acquire a vacant lot and two houses on Pocahontas Street, as required by State Code. The properties to be acquired are 413, 415, and 417 Pocahontas Street, Block 7, Powhatan Park Subdivision.

Mr. Haulman, Council representative to the WRHA, spoke in support of the request. The blighted structures will be replaced with new houses.

Mr. Scruggs Moved That City Council Authorize the Williamsburg Redevelopment and Housing Authority to Acquire the Vacant Lot and Two Houses located at 413, 415, and 417 Pocahontas Street, Block 7, Powhatan Park Subdivision, As Requested. The Motion Was Seconded by Mr. Tabb.

Recorded Vote on the Motion:

Aye: Haulman, Scruggs, Zeidler, Houghland, Tabb

No: None

City Attorney Report

Police Mutual Aid Agreement, City/College of William & Mary, Resolution #04-06

Mr. Phillips explained that the City and College are party to a Police Mutual Aid Agreement. State Statute states that the agreement must be approved by resolution, which was not done at the time of approval. He recommended Council adopt the resolution confirming and ratifying the Mutual Aid Agreement between the city and college.

Mr. Houghland Moved That City Council Adopt Proposed Resolution #04-06. The Motion Was Seconded by Mr. Tabb.

Recorded Vote on the Motion:

Aye: Haulman, Scruggs, Zeidler, Houghland, Tabb

No: None

UNFINISHED BUSINESS

Proposed New Voting Equipment for Williamsburg

Mr. Tuttle referenced the memorandum received from Voter Registrar Dave Andrews, which included specifications for the new voting equipment.

Mr. Andrews addressed Council regarding the new voting machines. All localities that use lever voting machines must replace them by January 2006. The present levered voting machines provide no paper trail, but the new electronic machines will have the capability and can automatically total the results for each precinct. Prior to the May election, a demonstration unit will be available for citizen testing.

Council members and Mr. Andrews discussed cost and funding of the machines, and the back-up system for power failures. Mr. Haulman had concerns about the new machines. It will be interesting to see what other communities experience in the upcoming Presidential Election. He expected there would be problems. Mr. Andrews said the voting machines have been tested and in use since 2000. They ranked at the top of electronic voting equipment. He urged Council members to come by his office and try the equipment. Mr. Houghland was concerned about funding issues.

Council concurred that they will discuss the matter at their May work session.

NEW BUSINESS

Appointments to Boards and Commissions

Reference for this item was the report from Ms. Crist dated April 2, 2004, regarding upcoming expirations and resignations on boards and commissions.

Mayor Zeidler requested that the Clerk of Council contact current members of boards to ask if they are interested in reappointment, and that vacancies be advertised.

*Mr. Houghland Moved the appointment of Mr. **James N. McCord, Jr.**, to the Colonial Soil and Water Conservation District Board to fill the vacancy created by Mr. Robert Oliver's resignation. The Motion Was Seconded by Mr. Scruggs.*

Recorded Vote on the Motion:

Aye: Haulman, Scruggs, Zeidler, Houghland, Tabb

No: None

Williamsburg Volunteer Fire Department 2004 Annual Fund Drive

Mr. Scruggs said he was honored and pleased to announce that the fund drive is scheduled to begin April 19 through early May. He urged citizens to contribute to this worthy cause. He thanked the fire department for responding to a fire at his home in a dryer vent. He cautioned citizens to check their vents.

Mr. Haulman thanked the Heritage Human Society for their presence. Our community has an opportunity to engage in this public/private partnership for the animal shelter and for the benefit of all. Mayor Zeidler cautioned that their request for funding must be put in writing. Mr. Haulman concurred.

OPEN FORUM

Mayor Zeidler opened the comment session.

No one wished to speak. The session was closed.

The meeting adjourned at 3:16 p.m.

Approved:

Shelia Y. Crist
Clerk of Council

Jeanne Zeidler
Mayor